

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	016295.1512
	First Inventor	Sankaran, et al.
	Title	Distributed Failover ...
	Express Mail Label No.	EV339226312US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450
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1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification [Total Pages <u>18</u> ] <i>(preferred arrangement set forth below)</i> - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings <i>(if filed)</i> - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>4</u> ] 5. Oath or Declaration [Total Sheets <u>3</u> ] a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program <i>(Appendix)</i> 8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies
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**ACCOMPANYING APPLICATION PARTS**

9. ☒ Assignment Papers (cover sheet & document(s))  
 10. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
*(when there is an assignee)*  
 11. ☐ English Translation Document *(if applicable)*  
 12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations  
 13. ☐ Preliminary Amendment  
 14. ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*  
 15. ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*  
 16. ☐ Nonpublication Request under 35 U.S.C. 122  
 (b)(2)(B)(i). Applicant must attach form PTO/SB/35  
 or its equivalent.  
 17. ☒ Other: Ck #873994: \$964.00  
 ..Ck #873992: \$40.00

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: .....

Prior application information:

Examiner

Art Unit:

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number:	023640	OR	<input type="checkbox"/> Correspondence address below
Name	RONALD L. CHICHESTER		
Address			
City	State	Zip Code	
Country	Telephone	713.229.1341	Fax 713.229.7741
Name (Print/Type)	RONALD L. CHICHESTER	Registration No. (Attorney/Agent)	36,765
Signature	<i>Ronald L. Chichester</i>	Date	December 30, 2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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22387 U.S. PTO  
10/748634

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 964.00; \$40.00)

## Complete if Known

Application Number	Unassigned
Filing Date	December 30, 2003
First Named Inventor	Sankaran, et al.
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	016295.1512

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

02-0383

Baker Botts L.L.P.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 770.00)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
	26	-20** =	6	X	18	=	108
Independent Claims	4	-3** =	1	X	86	=	86
Multiple Dependent						=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 194.00)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity


Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40.00
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 40.00)

## SUBMITTED BY

Name (Print/Type)	RONALD L. CHICHESTER	Registration No. (Attorney/Agent)	36,765	Telephone	713.229.1341
Signature		Date	December 30, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CERTIFICATE OF MAILING VIA EXPRESS MAIL

PURSUANT TO 37 C.F.R. § 1.10, I HEREBY CERTIFY THAT I HAVE KNOWLEDGE AND A REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE," ON THE DATE INDICATED BELOW, AND IS ADDRESSED TO:

MAIL STOP PATENT APPLICATION  
HONORABLE COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

  
RONALD L. CHICHESTER REG. NO. 36,765

12/30/2003  
DATE OF MAILING

EV339226312US  
EXPRESS MAIL LABEL

U.S.S.N.:	UNASSIGNED
FILING DATE:	12/30/2003
APPLICANT:	SANKARAN, ET AL.
GROUP ART UNIT:	UNASSIGNED
EXAMINER:	UNASSIGNED
ATTORNEY DOCKET NO.	016295.1512
TITLE:	"DISTRIBUTED FAILOVER AWARE STORAGE AREA NETWORK BACKUP OF APPLICATION DATA IN AN ACTIVE-N HIGH AVAILABILITY CLUSTER"

INCLUDED IN THIS MAILING FOR THE ABOVE-REFERENCED PATENT APPLICATION ARE:


1. "NEW APPLICATION TRANSMITTAL" (3 PAGES);
2. UTILITY PATENT APPLICATION TRANSMITTAL (PTO/SB/05);
3. SPECIFICATION (18 TOTAL PAGES, INCLUDING COVER PAGE);
4. FOUR (4) SHEETS OF FORMAL DRAWINGS;
5. FEE TRANSMITTAL FORM (PTO/SB/17), WITH DUPLICATE COPY FOR FEE PROCESSING;
6. CHECK #873994 IN THE AMOUNT OF \$964.00 FOR FILING FEE, ADDITIONAL CLAIMS;
7. EXECUTED, COMBINED DECLARATION AND POWER OF ATTORNEY;
8. EXECUTED ASSIGNMENT, WITH ASSIGNMENT RECORDATION COVER PAGE, AND DUPLICATE COVER PAGE FOR FEE PROCESSING;
9. CHECK #873992 IN THE AMOUNT OF \$40.00 FOR ASSIGNMENT RECORDATION FEE;
10. TRANSMITTAL; INFORMATION DISCLOSURE STATEMENT, PTO FORM 1449; AND
11. RETURN POSTCARD TO ACKNOWLEDGE RECEIPT OF ABOVE ITEMS.

ATTORNEY CONTACT: RONALD L. CHICHESTER  
REG. NO. 36,765  
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PTO CUSTOMER NUMBER: **023640**

Attorney Docket No.: 016295.1512  
Express Mail Label No.: EV339226312US  
Date of Deposit with Express Mail: 12/30/2003

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

CERTIFICATE OF MAILING via EXPRESS MAIL 37 C.F.R. §1.10	
PURSUANT TO 37 C.F.R. §1.10, I HEREBY CERTIFY THAT I HAVE INFORMATION AND A REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE WILL BE DEPOSITED WITH THE U.S. POSTAL SERVICE AS "EXPRESS MAIL POST OFFICE TO ADDRESSEE" ON THE DATE INDICATED BELOW, AND IS ADDRESSED TO:	
MAIL STOP PATENT APPLICATION HONORABLE COMMISSIONER FOR PATENTS P. O. Box 1450 ALEXANDRIA, VA 22313-1450	
	
RONALD L. CHICHESTER	REG. NO. 36,765
DATE OF MAILING:	12/30/2003
EXPRESS MAIL LABEL:	EV339226312US

**MAIL STOP PATENT APPLICATION**

**Honorable Commissioner for Patents**

**P. O. Box 1450**

**Alexandria, VA 22313-1450**

**NEW APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53(b)**

Transmitted herewith for filing is a patent application of:

Inventors: Ananda Chinnaiah Sankaran  
12800 Harrisglenn Dr., #535  
Travis County  
Austin, TX 78753

Nam Nguyen  
3908 Blue Monster Cove  
Williamson County  
Round Rock, TX 78664

For: "Distributed Failover Aware Storage Area Network Backup of Application Data in an Active-N High Availability Cluster"

This new application is an original (nonprovisional) patent application.

Enclosed are:

- (a) One (1) Cover Page
- (b) Seventeen (17) total pages of Specification (pages 2-18)  
(including Background, Summary, and Description of the Drawings);
- (c) Five (5) pages of Claims (pages 13-17);
- (d) One (1) page Abstract of the Invention (page 18); and
- (e) Four (4) sheets of formal drawings.

This application is submitted with an executed combined Declaration/Power of Attorney.

This application is submitted with an executed Assignment and Recordation cover sheet, with duplicate copy of the cover sheet for fee processing.

This application is submitted with a Fee Transmittal Form (PTO/SB/17), with duplicate copy for fee processing.

This application is submitted with an Information Disclosure Statement.

CLAIMS FOR FEE CALCULATION					
	Actual	Number	Number Extra	Rate	Basic Fee \$770.00
Total Claims:	26	- 20 =	6	x \$18. =	\$108.00
Independent Claims:	4	- 3 =	1	x \$86. =	\$86.00
Total Filing Fee =					\$964.00

Included is check #873994 in the amount of \$964.00 for the filing fee and additional total and independent claims.

Also included is check #873992 in the amount of \$40.00 for the Assignment Recordation Fee.

A return receipt postcard is also included to acknowledge receipt of the above-named items.

In the event of underpayment or overpayment for the filing of this application, the Commissioner is hereby authorized to debit additional fees from, or to credit any overpayments to, Baker Botts L.L.P. **Deposit Account No. 02-0383, Order No. 016295.1512.**

Please direct all correspondence to:

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Respectfully submitted,

BAKER BOTTS L.L.P. (023640)

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ATTORNEYS FOR APPLICANTS

DATE: December 30, 2003

Attorney Docket No.: 016295.1512